

**Congress of the United States**  
**Washington, DC 20515**

March 30, 2019

The Honorable Betty McCollum  
Chairwoman  
Committee on Appropriations  
Subcommittee on Interior, Environment  
and Related Agencies  
2007 Rayburn House Office Building  
U.S. House of Representatives  
Washington, DC 20515

The Honorable David Joyce  
Ranking Member  
Committee on Appropriations  
Subcommittee on Interior, Environment,  
and Related Agencies  
1016 Longworth HOB  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairwoman McCollum and Ranking Member Joyce:

As you begin crafting the fiscal year (FY) 2020 Interior, Environment and Related Agencies Appropriations bill, we request that you include language to prevent the future listing of the Lesser Prairie-Chicken (LPC) as a threatened or endangered species under the Endangered Species Act (ESA). This commonsense language will allow the LPC Range-Wide Conservation Plan (RWP) to continue to ensure the flourishing of the species without potential retaliatory action by the federal government.

The FWS recognizes that the states are in the best position to lead the recovery effort for the LPC as its original listing allowed the five states to continue to manage conservation efforts through the RWP. In the weeks leading up to the FWS's previous listing decision, local landowners showed unprecedented support for LPC conservation by enrolling nearly 4 million acres in the plan and committing more than \$26 million towards conservation. This type of commitment led U.S. District Judge Robert Junell to de-list the LPC in September of 2015.

Recent efforts to list the species originate with a September 8, 2016 petition that was found by Fish and Wildlife Service to warrant further review beyond the initial 90-day period. The petition points to recent population declines of the species as evidence requiring a listing, but the states responsible for facilitating the RWP [note that short-term population fluctuations](#) like the ones cited in the petition are mostly dependent on annual weather conditions – which the petition acknowledges as critical to LPC mating behavior – rather than any failures of the RWP to conserve the species and its habitat. To the contrary, the [2016 RWP Annual Progress Report](#) by state Fish and Wildlife agencies, containing the most up-to-date and comprehensive scientific study on the species, notes habitat increases while demonstrating that any population declines are *not statistically significant*.

Section 314 of the House passed National Defense Authorization Act contained language which aimed to encourage local conservation and help prevent a new LPC listing.

Accordingly, we ask that you include the following language in the FY 2020 bill:

LESSER PRAIRIE-CHICKEN

SEC. \_\_\_\_ (1) *IN GENERAL.*—During the 10-year period beginning on the date of the enactment of this act, the conservation status of the Lesser Prairie-Chicken (*Tympanuchus pallidicinctus*) under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) shall be not-warranted for listing.

(2) *SUBSEQUENT DETERMINATIONS.*—In determining conservation efficacy for purposes of making any determination of such status after such 10-year period, the Secretary of the Interior shall fully consider all conservation actions of States, Federal agencies, and military installations.

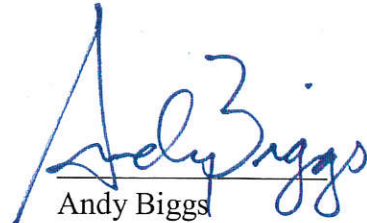
We believe including this provision will allow state governments, landowners, businesses, and individuals to help with continued conservation efforts for LPC while avoiding a disastrous new listing.

We thank you for your consideration of this request, and for your leadership on the committee.

Sincerely,



Paul A. Gosar, D.D.S.  
Member of Congress



Andy Biggs  
Member of Congress



Rob Bishop  
Member of Congress



Doug LaMalfa  
Member of Congress



Tom McClintock  
Member of Congress